

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 19, 2005

Division: Public Works

Bulk Item: Yes X No

Department: Facilities Maintenance

Staff Contact Person: Ann Riger

AGENDA ITEM WORDING: Approval of two Lease Amendments with Tropical Watersports, Inc. to waive fees for the months Higgs Beach was closed due to Hurricane activity, (July, August, and September, 2005).

ITEM BACKGROUND: Tropical Watersports, Inc. operates a Beach Chair and Umbrella concession, as well as a Sailboat rental concession at Higgs Beach. Rents for the Beach Chair and Umbrella operation are \$305.00 per month or 10% of gross proceeds, whichever is greater. The Sailboat rents are \$300.00 per month or 10% of gross proceeds, whichever is greater. The Owner of the two concessions paid full amounts of rent for July, August, and September, despite the fact that the beach has been closed most of these months. The Owner is requesting help from the County by either waiving the fees for the three months, or by allowing her to pay 10% of the gross income, which would be considerably less than the \$305.00 or \$300.00 per month.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval to waive fees for both concessions and apply the rents paid to the months of October, November, and December, 2005.

TOTAL COST: N/A

BUDGETED: Yes N/A No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


Dent Pierce 10/14/05

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

TROPICAL WATERSPORTS, INC.
1414 VON PHISTER STREET
KEY WEST, FL 33040
Phone: 294-2696
Fax: 294-2487

Mr. John King
Senior Director Public Works
Monroe County

Fax Number: 295-3672

Subject: Beach Closures due to hurricanes in July, August and September 2005

Dear Mr. King:

Tropical Sailboats, Inc. has concession agreements with Monroc County on Higgs Beach for chairs and umbrellas and boats and kayaks. We pay either a minimum of \$305 for chair contract or 10% of gross, whichever is greater and \$300 minimum for boat contract or 10% of gross, whichever is greater. We have paid the full amounts due for July, August and September 2005 despite the fact that the beach has been closed most of these months due to three hurricanes and subsequent beach cleanup.

We are seeking help from the County either by waiving the fees for the months the beach was closed due to storms or by allowing us to pay 10% of the gross income for those months rather than the minimum.

We appreciate any help you can give us with this.

Thank you.


Joan Gregory
TROPICAL SAILBOATS, INC.

10% OF GROSS INCOME:



	<u>BEACH CHAIRS</u>	<u>SAILBOATS</u>
JULY	\$ 44.40	\$ 37.46
AUG	12.95	37.00
SEPT	21.74	48.10
	<u>\$ 79.09</u>	<u>\$ 122.56</u>

FULL AMOUNTS:

	<u>BEACH CHAIRS</u>	<u>SAILBOATS</u>
JULY	\$ 305.00	\$ 300.00
AUG	305.00	300.00
SEPT	305.00	300.00
	<u>\$ 915.00</u>	<u>\$ 900.00</u>

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

CONTRACT SUMMARY

Contract with: Tropical Sailboats, Inc. Contract #_____

Effective Date: _____

Expiration Date: _____

Contract Purpose/Description:

The purpose of the agenda item is to abate rents for the months of July, August, and September, 2005 due to damage to Higgs Beach caused by Hurricanes, and the inability to operate the Beach Chair & Umbrella Concession, and the Sailboat rental concession

Contract Manager:	<u>Ann Riger</u>	<u>4549</u>	<u>Facilities Maint/Stop #4</u>
	(Name)	(Ext.)	(Department/Stop #)

for BOCC meeting on 10/19/05 Agenda Deadline: 10/04/05

CONTRACT COSTS

Total Dollar Value of Contract: \$	Revenue	Current Year Portion: \$	N/A
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Budgeted? Yes ☐ No ☐ Account Codes: _____ - _____ - _____ - _____ - _____

Grant:	\$	N/A	
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County Match: \$ N/A

ADDITIONAL COSTS

Estimated Ongoing Costs: \$_____/yr For: _____

(Not included in dollar value above) (eg. maintenance, utilities, janitorial, salaries, etc.)

CONTRACT REVIEW

	Date In	Changes Needed	Reviewer	Date Out
Division Director	10/4/05	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>[Signature]</i>	10/4/05
Risk Management	10/3/05	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>[Signature]</i>	10/3/05
^{to} O.M.B./Purchasing	_____	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>[Signature]</i>	10/4/05
County Attorney	10/3/05	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>[Signature]</i>	10/3/05

Comments: _____

LEASE AMENDMENT
Beach Chair & Umbrella Rentals

This Lease Amendment is made and entered into this 19th day of October, 2005, between the COUNTY OF MONROE, and TROPICAL SAILBOATS, INC. in order to amend the Lease between the parties dated June 15, 2005 as follows:

1. Rental amounts of \$305.00 per month or 10% of gross proceeds shall be abated due to the closing of Higgs Beach during the months of July, August, and September, 2005, because of damage caused by hurricanes.
2. Any rentals payments received by the County for the above mentioned three month period shall be applied to the months October, November, and December, 2005.
3. In all other respects, the original agreement between the parties dated June 15, 2005 remains in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seal the day and year first written above.

(Seal)

Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____

Ann M. Rye
Witness

TROPICAL SAILBOATS, INC.

Beth Leto
Witness

By: Joan Gregory

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Suzanne A. Hutton
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date: 10/3/05

LEASE AMENDMENT
Sailboat rentals at Higgs Beach

This Lease Amendment is made and entered into this 19th day of October, 2005, between the COUNTY OF MONROE, and TROPICAL SAILBOATS, INC. in order to amend the Lease between the parties dated January 14, 1998, and as renewed on April 16, 2003 as follows:

1. Rental amounts of \$300.00 per month or 10% of gross proceeds shall be abated due to the closing of Higgs Beach during the months of July, August, and September, 2005, because of damage caused by hurricanes.
2. Any rentals payments received by the County for the above mentioned three month period shall be applied to the months October, November, and December, 2005.
3. In all other respects, the original agreement between the parties dated January 14, 1998 and as renewed on April 16, 2003, remains in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seal the day and year first written above.

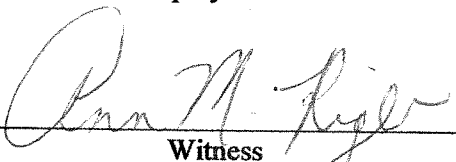
(Seal)

Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____



Witness

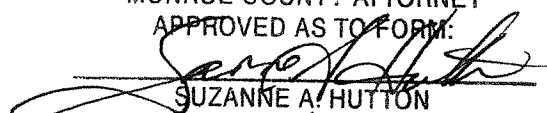
TROPICAL SAILBOATS, INC.



Witness

By: 

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY

Date: 10/03/05